IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12596 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VIJAY KUMAR NARANBHAI VORA

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 12596 of 2003

MR SIKANDER SAIYED for Petitioner No. 1

MR DN PATEL for Respondent No. 1

DELETED for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 09/10/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned

advocate Shri N.J. Shah appearing for Sr. Standing Counsel Shri D.N. Patel. At the request of the learned advocates, the petition is finally heard today.

2. The petitioner possesses passport bearing No. M-255068 wherein his place of birth has been recorded as 'Dhoraj-Rajkot'. The petitioner does not know as to how the said place was recorded as his place of birth. He has recently applied for renewal of the said passport, wherein he has requested to show his place of birth as 'Chichod', which is his correct place of birth as per his school leaving certificate.

3. In pursuance of notice issued by this court, learned advocate Shri N.J. Shah has appeared and has submitted that on the basis of information given by the petitioner in the past, in the passport which has been issued to the petitioner, it has been stated that the petitioner was born at Dhoraj-Rajkot. Now the petitioner has come with a different case. However, it has been submitted that if the petitioner submits an application for making corrections, his application will be looked into and after considering the evidence adduced by the petitioner, if the authority is satisfied that the correct place of birth of the petitioner is Chichod, a new passport stating the correct place of birth shall be issued to him.

5. Looking to the facts of the case, the respondent authority is directed to look into the matter and the evidence adduced by the petitioner to show that the petitioner was in fact born at Chichod. If the authority is satisfied that the correct place of birth of the petitioner is Chichod, I am sure that the authority shall issue a new passport recording the correct place of birth.

6. As the respondent authority will have to undertake the exercise of scrutinizing the application, appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

7. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute. D.S. permitted.

(A.R. Dave, J.)

(hn)